

1 Q. WHEN HE GOT OUT OF THE CAR, DID YOU RECOGNIZE -- WHAT DID
2 YOU THINK?

3 A. WE WEREN'T REALLY SURE. I WASN'T SURE. I WON'T SPEAK FOR
4 ANYBODY ELSE. I KNOW I WAS KIND OF, I WONDER WHAT'S --
5 YOU KNOW -- WHAT'S GOING ON -- BECAUSE WE DIDN'T KNOW. I
6 THOUGHT MAYBE IT WAS LIKE A PARK GUARD, LIKE A GUARD, NOT A
7 POLICE, BUT LIKE A PARK RANGER OR SOMETHING, MAYBE JUST TRYING
8 TO SEE WHAT WE WERE DOING.

9 Q. DID HE LOOK LIKE A REGULAR PERSON TO YOU OR COULD YOU TELL
10 HE WAS SOME KIND OF OFFICIAL?

11 A. I MEAN, HE WASN'T WEARING ANY -- HE HAD ON SHORTS AND LIKE
12 A POLO SHIRT, WASN'T WEARING ANY UNIFORM OR ANYTHING. SO, NO, I
13 COULDN'T REALLY TELL THAT HE WAS --

14 Q. WAS THE SHORTS AND SHIRT, WAS THAT ALL IN ONE COLOR?

15 A. I DON'T THINK SO. I THINK THE SHIRT WAS WHITE, I THINK.

16 Q. AND WHEN HIS CAR WAS IN FRONT OF YOU, COULD YOU SEE ANY
17 MARKINGS ON THE CAR?

18 A. NO. I NEVER NOTICED ANY.

19 Q. DID THIS RANGER OR POLICE OFFICER, DID HE APPROACH YOU?

20 A. YES. HE CAME RIGHT UP TO THE CAR, AND MY WINDOW WAS DOWN,
21 I WAS IN THE FRONT SEAT, AND HE PUT HIS HEAD LIKE IN THE WINDOW
22 OF THE CAR.

23 Q. NOW, IN-BETWEEN THE TIME THAT HE GOT OUT OF THE CAR, WAS
24 WALKING TOWARDS THE CAR, DID YOU DUCK TO THE FLOOR OF THE CAR OR
25 PUT SOMETHING ON THE FLOOR?

1 A. NO. NO.

2 Q. DID YOU TURN AT YOUR WAIST AND THROW SOMETHING IN THE BACK
3 SEAT?

4 A. NO.

5 Q. DID YOU DO ANYTHING THAT YOU NOW REMEMBER THAT YOU WERE
6 TRYING TO HIDE SOMETHING FROM THAT OFFICER?

7 A. NO. NO, I DIDN'T.

8 Q. WAS THE WINDOW ROLLED UP OR WAS IT DOWN WHEN HE APPROACHED
9 YOU?

10 A. IT WAS DOWN. MIGHT NOT OF BEEN ALL THE WAY DOWN, BUT
11 ENOUGH FOR HIM TO REALLY COME INTO THE CAR.

12 Q. DID HE LOOK INSIDE THE CAR?

13 A. YES. HE STUCK HIS HEAD INTO THE CAR. I THOUGHT HE WAS
14 TRYING TO SEE IF WE WERE DRINKING. HE ASKED IF WE WERE
15 DRINKING. THAT WAS THE FIRST QUESTION HE SAID.

16 Q. DID YOU RESPOND TO THAT QUESTION?

17 A. YES.

18 Q. WAS IT YOU PERSONALLY, OR ONE OF THE OTHER PEOPLE?

19 A. I SAID NO. I DON'T REMEMBER WHAT ANYBODY ELSE SAID.

20 Q. DID THE OFFICER ASK YOU, THE GROUP OF YOU, WHOSE CAR IT
21 WAS?

22 A. NO. I DON'T REMEMBER HIM SAYING THAT.

23 Q. DID HE ASK OR SAYING ANYTHING ABOUT A FRONT LICENSE PLATE?

24 A. NO.

25 Q. WAS THERE A FRONT LICENSE PLATE IN THE DASHBOARD OF THE

1 CAR?

2 A. ON THE DASHBOARD? NO. NO.

3 Q. DID YOU HEAR MISS MAYS ASK THE OFFICER ANYTHING ABOUT
4 PARKING OR ANYTHING?

5 A. NO, NOT THAT I REMEMBER. IT WAS A WHILE AGO, SO I DON'T
6 REMEMBER.

7 Q. DO YOU REMEMBER -- OTHER THAN THE ALCOHOL QUESTION, DID THE
8 OFFICER ASK YOU ANYTHING ELSE?

9 A. NO.

10 Q. DID HE ASK YOU ABOUT ANY LIGHTERS?

11 A. NO.

12 Q. DID HE ASK YOU ABOUT ANY BOTTLE CAPS?

13 A. I DON'T THINK HE MENTIONED THAT THEN, NO.

14 Q. WAS THERE A BOTTLE CAP AND A LIGHTER IN THE CAR?

15 A. I DON'T KNOW ABOUT THE LIGHTER. I DON'T KNOW IF THERE WAS
16 ONE HE COULD SEE, BUT THERE WAS A BOTTLE CAP HE COULD SEE.
17 THAT'S WHAT HE SAID LATER ON SO...

18 Q. DO YOU KNOW WHERE THE BOTTLE CAP WAS?

19 A. SOMEWHERE IN THE MIDDLE. MAYBE IN THE MIDDLE CONSOLE
20 UNDERNEATH -- LIKE UNDERNEATH THE STEREO, MAYBE, WHERE YOU CAN
21 PUT YOUR KEYS AND STUFF. I'M NOT EXACTLY POSITIVE WHERE IT WAS
22 SITTING, BUT IT MIGHT HAVE BEEN THERE.

23 Q. WAS IT FILLED WITH WATER?

24 A. YES.

25 Q. DO YOU REMEMBER IF THERE WAS A LIGHTER THERE?

1 A. I DON'T REMEMBER.

2 Q. DO YOU SMOKE?

3 A. NO.

4 Q. DO YOU KNOW IF MISS MAYS SMOKES?

5 A. YES, SOMETIMES. I MEAN, I HAVE KNOWN HER TO, BUT I
6 HONESTLY DON'T KNOW IF THERE WAS A LIGHTER THERE OR NOT. I
7 CAN'T SAY YES OR NO.

8 Q. DID THE OFFICER ASK YOU TO DO ANYTHING?

9 A. GET OUT OF THE CAR.

10 Q. AND DID HE OPEN THE DOOR?

11 A. UH-HUM.

12 Q. HE OPENED THE DOOR?

13 A. I THINK SO.

14 Q. AND DID YOU GET OUT OF THE VEHICLE?

15 A. YES.

16 Q. WERE YOU STILL WATCHING WHAT WAS GOING ON AFTER YOU GOT OUT
17 OF THE CAR?

18 A. LIKE WATCHING HIM OR...

19 Q. WATCHING THE SCENE?

20 A. THE SCENE, YES, JUST STANDING BY THE SIDE OF THE CAR, JUST
21 STANDING THERE.

22 Q. WHAT DID THE OFFICER DO NEXT?

23 A. HE PULLED A WHITE BAG THAT WAS IN THE CAR THAT HAD STUFF IN
24 IT FROM THE STORE AND PUT IT IN HIS CAR.

25 Q. WHAT KIND OF BAG?

1 A. LIKE A WALGREENS BAG -- LIKE A PHARMACY -- I THINK IT WAS A
2 PLASTIC BAG YOU WOULD GET AT THE FRONT COUNTER.

3 Q. WHERE DID HE PULL THAT BAG FROM?

4 A. THE FRONT SEAT, LIKE IN -- WHERE THE FRONT SEAT IS, ON THE
5 FLOOR.

6 Q. IT WAS ON THE FLOOR?

7 A. UH-HUH. I THINK SO. COULD HAVE BEEN IN THE MIDDLE, BUT I
8 THINK IT WAS ON THE FLOOR.

9 Q. DID HE SEE ANY -- EXCUSE ME. DID YOU SEE HIM REMOVE ANY
10 SPOONS?

11 A. I DIDN'T SEE HIM TAKE ANYTHING OUT OF IT. I JUST SAW HIM
12 PUT IT IN HIS CAR.

13 Q. DID YOU SEE HIM REMOVE ANY SPOONS FROM THE CAR?

14 A. NO.

15 Q. DID YOU SEE HIM REMOVE ANY SYRINGES FROM THE CAR?

16 A. NO.

17 Q. YOU DIDN'T SEE ANY OF THAT?

18 A. NO.

19 Q. DID THE OFFICER ORDER ANYONE ELSE OUT OF THE CAR?

20 A. NOT AT THAT TIME, I DON'T THINK, NO.

21 Q. WHEN THE POLICE OFFICER FOUND THE BAG, DID HE LOOK IN IT?

22 A. I DON'T THINK HE REALLY LOOKED IN IT. IT DIDN'T SEEM LIKE
23 IT. HE PUT IT IN HIS CAR RIGHT AWAY.

24 Q. DID HE ASK YOU ABOUT IT?

25 A. NO. HE DIDN'T SAYING ANYTHING TO ME ABOUT IT.

1 Q. DID HE ASK "WHOSE DRUGS ARE THESE?"?

2 A. YES, HE ASKED. NOBODY ANSWERED, THOUGH. WE ALL KIND OF
3 WERE LIKE STANDING THERE.

4 Q. SO WAS THIS AFTER -- IS THIS AFTER OTHER PEOPLE WERE
5 REMOVED FROM THE CAR?

6 A. I WAS THE ONLY ONE OUT OF THE CAR. THEY WERE STILL IN THE
7 CAR.

8 Q. SO THE OFFICER TOOK THE --

9 A. THE BAG.

10 Q. -- WALGREENS BAG?

11 A. YES.

12 Q. WAS THERE HEROIN IN THIS BAG?

13 A. NO, I DON'T THINK SO. I DON'T THINK IT WAS IN THE BAG. I
14 THINK IT WAS IN THE CAR.

15 Q. THE HEROIN?

16 A. YES.

17 Q. IT'S YOUR TESTIMONY IT WAS IN THE CAR?

18 A. UH-HUH.

19 Q. WHAT WAS IT WRAPPED IN?

20 A. PLASTIC.

21 Q. WHERE WAS THAT LOCATED?

22 A. ON THE SEAT OR ON THE FLOOR. IT MIGHT HAVE FALLEN. I'M
23 NOT SURE EXACTLY WHERE IT WAS SITTING.

24 Q. AT SOME POINT HE ASKED, "WHOSE DRUGS ARE THESE?"?

25 A. UH-HUM.

1 Q. AND IT WAS JUST YOUR TESTIMONY THAT NOBODY RESPONDED.

2 A. NO.

3 Q. DID HE EVER GET YOUR DRIVER'S LICENSE NUMBER?

4 A. HE ASKED TO SEE MY DRIVER'S LICENSE. HE TOOK IT FOR A
5 SECOND, BUT GAVE IT BACK PRETTY QUICK.

6 Q. BUT YOU DID GIVE IT TO HIM?

7 A. UH-HUM. YES.

8 Q. NOW, HOW DID YOU GET HOME THAT DAY?

9 A. WE TOOK -- HE LET US TAKE THE CAR.

10 Q. YOU AND WHO?

11 A. ME AND CHRIS.

12 Q. WHERE DID YOU DRIVE?

13 A. TO SANTA ROSA, TO WINDSOR.

14 Q. ONCE YOU RETURNED TO SONOMA OR TO WINDSOR, WHERE WAS THE
15 CAR?

16 A. PARKED IN FRONT OF MY HOUSE.

17 Q. YOU HAD POSSESSION OF THE CAR?

18 A. UH-HUM. YES.

19 Q. NOW, DID YOU PUT A FRONT LICENSE PLATE ON THAT DATE,
20 BETWEEN MARCH 18TH AND MARCH 21ST, 2007?

21 A. NO.

22 Q. DID YOU EVER TAKE AN ACTION TO PUT A LICEADNSE PLATE ON THAT
23 CAR?

24 A. NO.

25 Q. DID YOU WITNESS MR. MC NAPP EVER PUT A LICENSE PLATE ON

1 THAT CAR?

2 A. NO.

3 Q. DID ANYONE ELSE DRIVE THE CAR, TO YOUR KNOWLEDGE, BETWEEN
4 MARCH 18 AND MARCH 21ST?

5 A. NO.

6 THE COURT: CAN YOU IDENTIFY WHAT THE SIGNIFICANCE OF
7 MARCH 21ST IS.

8 MS. FALK: I'LL GET TO THAT RIGHT NOW.

9 BY MS. FALK:

10 Q. ON MARCH 21ST, DID MISS MAYS CALL YOU FROM CUSTODY?

11 A. YES.

12 Q. WHAT WAS THE PURPOSE OF HER CALL?

13 A. COME PICK HER UP.

14 Q. DID YOU?

15 A. YES.

16 Q. DO YOU REMEMBER WHAT TIME OF DAY YOU PICKED HER UP?

17 A. PROBABLY MIDDAY.

18 Q. DO YOU REMEMBER WHAT DAY OF THE WEEK IT WAS?

19 A. I THINK IT WAS A TUESDAY.

20 THE COURT: ARE YOU SAYING YOU KEPT THE CAR FOR THOSE
21 THREE DAYS AND THEN YOU WENT TO PICK HER UP IN THE SAME CAR?

22 THE WITNESS: YES.

23 BY MS. FALK:

24 Q. WHEN YOU PICKED MISS MAYS UP, DID SHE DISCUSS HER CITATION
25 FROM THE PARK POLICE WITH YOU?

1 A. YES.

2 Q. AT THAT POINT, DID YOU LOOK AT THE CAR?

3 A. YES.

4 Q. AND WHAT DID YOU DISCUSS ABOUT THE CITATION?

5 A. THAT IT WAS CRAZY, THAT THERE WAS OBVIOUSLY A LICENSE
6 PLATE. THAT IT WAS CRAZY THAT THEY GAVE HER A TICKET FOR NO
7 LICENSE PLATE, BECAUSE THERE WAS CLEARLY A LICENSE PLATE. WE
8 GOT OUT OF CAR, LOOKED AT IT, LIKE KIND OF -- WE WERE SHOCKED
9 BY IT BECAUSE THERE WAS CLEARLY A LICENSE PLATE ON THE CAR.

10 Q. WHEN YOU PICKED MISS MAYS UP?

11 THE COURT: ARE YOU SAYING CLEARLY A LICENSE PLATE ON
12 THE FRONT?

13 THE WITNESS: ON THE FRONT OF THE CAR.

14 BY MS. FALK:

15 Q. WHEN YOU PICKED MISS MAYS UP, DO YOU SPECIFICALLY REMEMBER
16 LOOKING WITH HER --

17 A. YES.

18 Q. --THREE DAYS AFTER THIS INCIDENT -- THAT THERE WAS A
19 LICENSE PLATE ON THE CAR?

20 A. YES.

21 Q. AND YOU HAD POSSESSION OF THE CAR BETWEEN THE TIME OF THE
22 ARREST AND THE TIME YOU WENT AND PICKED UP MISS MAYS?

23 A. YES.

24 Q. YOU DIDN'T TAKE ANY ACTION TO TAKE THAT LICENSE PLATE FROM
25 THE DASH AND PUT IT IN FRONT OF THE CAR?

1 A. NO. THERE WASN'T A PLATE ON THE DASHBOARD EVER. THERE WAS
2 A LICENSE PLATE ON THE CAR.

3 Q. YOU'RE SURE THERE WAS A LICENSE PLATE?

4 A. POSITIVE.

5 Q. WOULD YOU COME TO FEDERAL COURT AND LIE ON BEHALF OF MISS
6 MAYS?

7 A. NO.

8 Q. ARE YOU TESTIFYING TODAY TO TRY TO PROTECT HER?

9 A. NO.

10 Q. OR TO TRY TO HELP HER?

11 A. NO.

12 Q. ARE YOU JUST COMING TO TESTIFY BECAUSE YOU RECEIVED A
13 FEDERAL SUBPOENA FROM ME AND I ASKED YOU TO COME?

14 A. YES.

15 MS. FALK: NOTHING FURTHER.

16 THE COURT: CROSS?

17 CROSS-EXAMINATION

18 BY MS. WANG:

19 Q. GOOD AFTERNOON.

20 THIS CAR THAT YOU SAW THAT BLOCKED THE VEHICLE YOU WERE IN,
21 THAT WAS NOT A POLICE CAR?

22 A. NO, NOT THAT I COULD TELL.

23 Q. WHEN MISS FALK KEPT REFERRING TO IT ON THE DIAGRAM AS A
24 POLICE CAR, THAT WAS INCORRECT?

25 A. YES. THE CAR THAT WAS -- IT DIDN'T HAVE ANY SIGNS OR

1 STICKERS OR THINGS ON THE DOOR, ANYTHING. IT WAS A WHITE CAR
2 THAT LOOKED LIKE MAYBE AN UNDERCOVER POLICE CAR OR SOMETHING.

3 Q. WHY DID IT LOOK LIKE AN UNDERCOVER --

4 A. THAT'S WHAT THEY'RE SUPPOSED TO LOOK LIKE, I GUESS.

5 Q. WHAT LED YOU TO BELIEVE IT WAS AN UNDERCOVER POLICE CAR IF
6 IT HAD NO MARKINGS OR ANYTHING ON IT?

7 A. WELL, I AM JUST SAYING LIKE A FOUR-DOOR SEDAN, LIKE A COP
8 CAR THAT DOESN'T HAVE MARKINGS. THAT'S WHY WE THOUGHT MAYBE IT
9 WAS A PARK RANGER OR SOMETHING. IT LOOKED LIKE AN OFFICIAL KIND
10 OF CAR.

11 Q. WHAT WAS IT ABOUT IT THAT MADE IT LOOK LIKE AN
12 OFFICIAL-TYPE CAR?

13 A. I GUESS JUST THE FOUR-DOOR SEDAN TYPE CAR. SO AFTERWARDS,
14 I KNEW IT WAS OBVIOUSLY A POLICE CAR, BECAUSE THERE WAS A POLICE
15 OFFICER.

16 Q. SO WHEN THIS CAR FIRST APPROACHED, IT WAS JUST A FOUR-DOOR
17 SEDAN. YOU DIDN'T HAVE REASON TO BELIEVE IT WAS A POLICE CAR?

18 A. NO.

19 Q. AND THE PERSON THAT GOT OUT OF THAT CAR AND APPROACHED YOU
20 WAS IN SHORTS AND A T-SHIRT?

21 A. NOT -- LIKE A POLO SHIRT, I THINK, YES.

22 Q. NOT A POLICE UNIFORM?

23 A. NOT THAT I REMEMBER, NO.

24 Q. SO THIS PLAINCLOTHES PERSON THAT GOT OUT OF THIS UNMARKED
25 CAR CAME TO YOUR WINDOW AND TOLD YOU TO GET OUT OF THE CAR?

1 A. HE HAD LIKE -- YES, BASICALLY. HE HAD -- I THINK HE HAD A
2 GUN ON HIS WAIST.

3 Q. HE WAS WEARING SHORTS, THIS MAN?

4 A. WHAT I REMEMBER.

5 Q. HE WAS WEARING SHORTS AND HE WASN'T IN UNIFORM, AND HE HAD
6 A GUN?

7 A. I THINK SO. SOMETHING. IT MIGHT NOT --I THINK SO.

8 Q. IS IT FAIR TO SAY YOU DON'T REMEMBER?

9 A. I MEAN, IT WAS SOMETHING ON HIM THAT MADE ME THINK THAT HE
10 WAS A POLICE OFFICER OR SOMEBODY THAT WAS CHECKING TO MAKE SURE
11 WE WEREN'T DOING ANYTHING WE WEREN'T SUPPOSED TO BE DOING.

12 Q. IMMEDIATELY WHEN HE APPROACHED THE CAR HE JUST ASKED YOU TO
13 GET OUT WITHOUT SAYING ANYTHING ELSE?

14 A. NO.

15 Q. WHAT DID HE SAY WHEN HE APPROACHED THE CAR?

16 A. "ARE YOU GUYS DRINKING?"

17 Q. AT THIS POINT YOU DIDN'T KNOW IF HE WAS A POLICE OFFICER OR
18 NOT?

19 A. I WAS ASSUMING THAT HE WAS, YES. I AM NOT SURE. I THINK
20 HE WAS -- ASSUMED HE WAS.

21 Q. WERE YOU WATCHING HIM APPROACH THE CAR?

22 A. I DON'T REMEMBER. NO.

23 Q. WERE YOU WATCHING HIM DRIVE AROUND THE VICINITY?

24 A. I'M NOT SURE. I DON'T KNOW. SORRY. I THINK HE PULLED UP.
25 I THINK THAT -- YES; I THINK THAT WE SAW HIM PULL UP.

1 Q. SO YOU DO NOT REMEMBER THAT DAY VERY WELL?

2 A. I DO. I REMEMBER IT. I DON'T REMEMBER EVERY LITTLE
3 DETAIL, BUT I REMEMBER IT PRETTY WELL, I THINK.

4 Q. BUT YOU DON'T REMEMBER WHAT HE WAS WEARING?

5 A. NO. YES. I SAID HE WAS WEARING SHORTS AND A POLO SHIRT.

6 Q. WHERE DID HE HAVE HIS GUN, IN A HOLSTER?

7 A. I THINK SO, YES.

8 Q. SO JUST SHORTS, A POLO SHIRT, AND A HOLSTER WITH A GUN IN
9 IT?

10 A. I THINK SO.

11 Q. DID HE HAVE A BADGE DISPLAYED?

12 A. NO.

13 Q. YOU REMEMBER THAT DEFINITELY, NO BADGE DISPLAYED?

14 A. DID HE SHOW ME A BADGE? NO. HE DIDN'T SHOW ME ONE, I
15 DON'T THINK.

16 Q. YOU TESTIFIED THERE WAS A BOTTLE CAP ON THE DASHBOARD OF
17 THE VEHICLE; IS THAT RIGHT?

18 A. MAYBE IN THE MIDDLE CONSOLE PART.

19 Q. WHAT WAS THE PURPOSE OF THAT BOTTLE CAP BEING THERE?

20 A. WHAT IS THE PURPOSE OF IT?

21 MS. FALK: I THINK THIS GOES BEYOND THE SCOPE OF
22 DIRECT.

23 THE COURT: OVERRULED.

24 THE WITNESS: I GUESS TO DO THE DRUGS THAT WERE IN THE
25 CAR.

1 BY MS. WANG:

2 Q. SO YOU WERE AWARE THERE WERE DRUGS IN THE CAR?

3 A. YES.

4 Q. YOU'RE AWARE THAT THERE WAS SYRINGES IN THE CAR?

5 A. YES.

6 Q. AND YOU WERE AWARE THERE WAS A METAL SPOON WITH HEROIN, TAR
7 HEROIN RESIDUE ON IT?

8 A. YES.

9 Q. AND YOU WERE AWARE THAT THERE WAS A BUNDLE WITH HEROIN IN
10 IT?

11 A. YES.

12 Q. AND YOU SAW THIS PERSON WITH A GUN DISPLAYED APPROACHING
13 YOUR VEHICLE?

14 A. YES.

15 Q. AND YOU DIDN'T BEND DOWN AT THE WAIST AT ALL?

16 A. NO.

17 Q. AND YOU DIDN'T KNOW THAT WAS -- YOU THOUGHTS THAT IT WAS A
18 POLICE OFFICER AT THAT POINT, OR DIDN'T?

19 A. I DIDN'T KNOW IF IT WAS A POLICE OFFICER. I THOUGHT HE WAS
20 A POLICE OFFICER OR PARK RANGER GUY OR SOMETHING.

21 Q. DID THAT MAKE YOU NERVOUS, THAT YOU KNEW THERE WAS DRUGS
22 AND SYRINES AND ALL THIS PARAPHERNALIA IN THE CAR?

23 MS. FALK: OBJECTION, RELEVANCE.

24 THE COURT: OVERRULED.

25 THE WITNESS: YES.

1 BY MS. WANG:

2 Q. DID THAT MAKE YOU NERVOUS?

3 A. YES.

4 Q. DO YOU THINK THAT WAS APPARENT FROM YOUR DEMEANOR AT ALL?

5 A. I DON'T KNOW. NO.

6 Q. DID YOU DO ANYTHING AS A RESULT OF YOUR BEING NERVOUS WHEN
7 THIS POSSIBLY POLICE OFFICER DISPLAYING A GUN HEADED TOWARD THE
8 VEHICLE?

9 A. NO; I DON'T THINK I DID.

10 Q. YOU SAID YOU WEREN'T SURE IF YOU WERE WATCHING THE CAR --
11 YOU DON'T REMEMBER WATCHING THE CAR APPROACH. SO THEN HOW DO
12 YOU KNOW FOR SURE THAT IT APPROACHED THE WAY YOU DREW ON THE
13 EXHIBIT?

14 A. I DON'T KNOW FOR SURE THAT THAT'S THE WAY HE CAME UP,
15 WHETHER HE CAME AROUND THE OTHER WAY.

16 Q. SO THE DIAGRAM YOU DREW WAS JUST A GUESS?

17 A. WHERE HE WAS PARKED? DEFINITELY WHERE HE WAS PARKED, BUT
18 HE COULD HAVE COME AROUND THAT WAY OR COME AROUND THE OTHER WAY.
19 I'M NOT SURE.

20 Q. YOU DON'T REMEMBER WHICH WAY HE APPROACHED?

21 A. WHICH WAY HE DROVE UP. NO.

22 Q. YOU TESTIFIED THAT YOU DON'T KNOW MISS MAYS VERY WELL. IS
23 THAT CORRECT?

24 A. THAT I DON'T KNOW HER VERY WELL?

25 Q. YOU'RE NOT VERY GOOD FRIENDS.

1 A. WE'RE NOT FRIENDS, NO.

2 Q. YOU HAVEN'T REALLY SEEN HER SINCE MARCH, 2007?

3 A. YES.

4 Q. YOU TESTIFIED THAT SHE SMOKED SOMETIMES, RIGHT?

5 A. UH-HUM.

6 Q. HOW DO YOU KNOW THAT?

7 A. WE WERE FRIENDS BEFORE.

8 Q. HOW LONG HAVE YOU BEEN FRIENDS?

9 A. OFF AND ON, MAYBE FIVE YEARS OR SOMETHING. I DON'T KNOW
10 EXACTLY.

11 Q. YOU SPENT ENOUGH TIME WITH MISS MAYS TO KNOW SHE SMOKED?

12 A. USED TO, YES, IN THE PAST.

13 Q. THEN YOU HAVEN'T SEEN HER SINCE MARCH OF 2007 'TILL TODAY,
14 NOVEMBER 19?

15 A. NO, I HAVE NOT.

16 Q. IS THAT COMMON, THAT YOU GO THAT PERIOD OF MONTHS WITHOUT
17 SEEING HER?

18 A. WE'RE NOT FRIENDS ANYMORE. I MOVED AND WE'RE NOT FRIENDS,
19 SO, YEAH, JUST MOVED ON.

20 Q. AND HOW MANY -- WERE THERE ANY UNIFORMED OFFICERS ON THE
21 SCENE AT ALL?

22 A. YES. ONE CAME AFTER.

23 Q. JUST ONE?

24 A. FROM WHAT I REMEMBER, YES.

25 Q. AND HOW MANY VEHICLES -- WERE THERE PATROL VEHICLES ON THE

1 SCENE AT ALL?

2 A. THERE WAS LIKE A SUV, BUT I DIDN'T REALLY LOOK AT THAT CAR
3 VERY WELL. I WASN'T STANDING RIGHT NEXT TO IT OR ANYTHING.

4 Q. COULD THE VEHICLE MOVE? WAS THERE A PATH FOR THE VEHICLE
5 TO MOVE WHEN THE OFFICER APPROACHED?

6 A. OUR CAR?

7 Q. YES.

8 A. FOR IT TO MOVE, LIKE FOR US TO DRIVE AWAY?

9 Q. YES.

10 A. WE COULD HAVE BACKED OUT, I GUESS.

11 Q. SO YOU COULD HAVE LEFT? IT WAS POSSIBLE FOR THE CAR TO BE
12 MOVED?

13 A. WE COULD HAVE BACKED UP, YES.

14 Q. BEFORE THE OFFICER APPROACHED THE VEHICLE ON FOOT, THERE
15 WAS ONLY ONE CAR THAT HAD COME UP AND PARKED?

16 A. YES.

17 Q. DID YOU HAPPEN TO NOTICE ON THE DATE OF MARCH 18, 2007
18 WHETHER THE FRONT LICENSE PLATE WAS AFFIXED TO THE FRONT OF THE
19 VEHICLE?

20 A. ON THAT DAY?

21 Q. YES.

22 A. NO. I DIDN'T HAVE ANY REASON TO LOOK AT THE LICENSE PLATE
23 THAT DAY.

24 Q. YOU PICKED MISS MAYS UP FROM CUSTODY?

25 A. UH-HUH. YES.

1 Q. BUT YOU'RE NOT THAT GOOD FRIENDS WITH HER?

2 A. SINCE THEN, NO, I AM NOT. THAT WAS ABOUT EIGHT MONTHS AGO,
3 SO A LOT CHANGES IN EIGHT MONTHS.

4 MS. WANG: NOTHING FURTHER.

5 MS. FALK: BRIEFLY.

6 REDIRECT EXAMINATION

7 BY MS. FALK:

8 Q. ARE THERE ANY TREES OR OTHER CARS IN THE AREA OF MISS MAYS'
9 CAR?

10 A. YES. THERE IS A TREE NEXT TO OUR CAR.

11 MS. FALK: WITH THE COURT'S PERMISSION, COULD
12 MISS BENZON GET DOWN AND MARK WITH A RED MARKER, THE TREE?

13 THE COURT: ALL RIGHT.

14 MS. FALK: THANK YOU.

15 THE WITNESS: THERE IS A TREE RIGHT HERE, RIGHT NEXT TO
16 US, BASICALLY.

17 BY MS. FALK:

18 Q. WERE THERE OTHER CARS IN THE VICINITY AROUND YOU?

19 A. NOT NEXT TO US, NOT ON EITHER SIDE. THERE WAS A TREE ON
20 ONE SIDE. THERE WAS NO CARS NEXT TO US ON THIS SIDE.

21 Q. FOR HOW LONG -- LIKE FOR HOW MUCH SPACE WERE THERE OTHER
22 CARS IN THE AREA OF CRISSY FIELD?

23 A. AROUND HERE IN THE GRASSY AREA, BUT THERE WASN'T REALLY
24 ANYBODY AROUND US.

25 Q. MISS BENZON, DID YOU KIND OF HAVE -- AS A MEANS OF

1 EXPLANATION, DID YOU KIND OF HAVE A FALLING OUT WITH MISS MAYS
2 AFTER THIS INCIDENT?

3 A. YES.

4 Q. YOU HAVEN'T SPOKEN WITH HER SINCE?

5 A. NO; I HAVE NOT SPOKEN TO HER.

6 Q. BUT YOU HAVE BEEN FRIENDS IN THE PAST?

7 A. UH-HUH.

8 Q. HAS IT BEEN KIND OF AN ON AGAIN OFF AGAIN THING?

9 A. YES, DEFINITELY.

10 Q. SINCE MARCH IT'S BEEN OFF?

11 A. TOTALLY OFF. WE DON'T LIVE IN THE SAME TOWN. WE JUST HAVE
12 DIFFERENT LIVES. WE'RE NOT FRIENDS ANYMORE.

13 MS. FALK: I DON'T HAVE ANY FURTHER QUESTIONS.

14 THE COURT: ANYTHING FURTHER?

15 MS. WANG: NOTHING FURTHER.

16 THE COURT: YOU MAY STEP DOWN.

17 IT'S 3:30 NOW. I HAD NO IDEA IT WOULD TAKE SO LONG. I
18 SHOULD HAVE ASKED YOU FOR AN ESTIMATE. YOU'RE GOING TO HAVE TO
19 MOVE THROUGH YOUR OTHER WITNESSES A LOT FASTER THAN WE HAVE BEEN
20 GOING.

21 MS. FALK: I UNDERSTAND THAT. I THINK TWO OF THE
22 WITNESSES ARE GOING TO BE VERY BRIEF. I THINK MISS MAYS IS NOT
23 GOING TO BE PARTICULARLY LONG, BUT I THINK IT'S PRUDENT TO HAVE
24 HER AT THE END IN CASE WE NEED TO CONTINUE IT.

25 THE COURT: ALL RIGHT. WE'LL TAKE A 10-MINUTE BREAK.

1 YOU NEED TO FIGURE OUT HOW TO MOVE THIS ALONG.

2 (RECESS)

3 THE COURT: BACK ON THE RECORD.

4 MS. FALK: THE DEFENSE CALLS CHRIS MC NATT.

5 I'M GOING TO MOVE FOR THE ADMISSION OF THIS EXHIBIT.

6 THE COURT: PUT THAT AWAY.

7 COME TO THE STAND.

8 THE CLERK: YOU DO SOLEMNLY SWEAR THAT THE TESTIMONY
9 YOU SHALL GIVE IN THE MATTER NOW PENDING BEFORE THIS COURT,
10 SHALL BE THE TRUTH, THE WHOLE TRUTH, AND NOTHING BUT THE TRUTH,
11 SO HELP YOU GOD.

12 THE WITNESS: YES, MA'AM.

13 CHRISTOPHER MC NATT,
14 CALLED AS A WITNESS BY THE DEFENSE, HAVING BEEN DULY SWORN,
15 TESTIFIED AS FOLLOWS:

16 THE CLERK: PLEASE BE SEATED. STATE YOUR FIRST AND
17 LAST NAME, FOR THE RECORD.

18 THE WITNESS: CHRISTOPHER MC NATT. M-C-N-A-T-T.

19 DIRECT EXAMINATION

20 BY MS. FALK:

21 Q. MR. MC NATT, WHERE DO YOU LIVE?

22 A. SONOMA.

23 Q. FOR HOW LONG?

24 A. 32 YEARS.

25 Q. ARE YOU CURRENTLY EMPLOYED?

1 A. YES.

2 Q. WHAT DO YOU DO?

3 A. DO YARDS, LIKE LANDSCAPING.

4 Q. HOW DO YOU KNOW NICOLE MAYS?

5 A. I MET HER THROUGH MY GIRLFRIEND.

6 Q. WHO'S THAT?

7 A. JENNY BENZON.

8 Q. IS JENNY STILL YOUR GIRLFRIEND?

9 A. NO.

10 Q. WAS SHE YOUR GIRLFRIEND AS OF MARCH 18, 2007?

11 A. WHEN THIS INCIDENT OCCURRED?

12 Q. YES.

13 A. YES.

14 Q. HAVE YOU EVER SEEN MISS MAYS SINCE MARCH OF 2007 WHEN THIS
15 INCIDENT OCCURRED?

16 A. NO.

17 Q. HAE YOU SPOKEN TO HER ABOUT THE FACTS INVOLVED IN THIS
18 CASE?

19 A. NO.

20 Q. HAVE YOU DISCUSSED YOUR TESTIMONY WITH HER TODAY?

21 A. NO.

22 Q. TURNING YOUR ATTENTION TO MARCH 18, 2007, WERE YOU IN SAN
23 FRANCISCO THAT DAY?

24 A. YOU KNOW, I WOULD HAVE TO LOOK AT WHAT THE POLICE REPORT
25 SAYS. I DON'T KNOW. I'LL GO WITH WHATEVER THE POLICE SAY I DID

1 OR THOUGHT I WAS THERE.

2 Q. MR. MC NATT, I'M NOT ASKING YOU TO ADOPT ANYTHING. I'M
3 ASKING, SITTING HERE TODAY, WERE YOU IN SAN FRANCISCO ON MARCH
4 18, 2007?

5 A. IF THE POLICE SAID I WAS, THEN I WAS THERE. I DON'T KNOW.
6 I REALLY DON'T KNOW WHAT THAT CASE IS OR WHAT'S GOING ON. YOU
7 GUYS JUST CAME TO MY HOUSE AND SAID TO COME HERE, SO I'M HERE.
8 I'LL GO WITH WHAT THE POLICE REPORT SAYS.

9 Q. MR. MC NATT, PART OF THE BEING HERE IS I'M GOING TO ASK
10 YOU QUESTIONS AND YOU HAVE TO PROVIDE ANSWERS, UNLESS THERE IS A
11 REASON --

12 A. I WOULD LIKE TO INVOKE MY FIFTH AMENDMENT RIGHT TO
13 SILENCE.

14 Q. ON EVERY QUESTION?

15 A. YES.

16 MS. FALK: YOUR HONOR, I BELIEVE I HAVE TO ASK --

17 THE COURT: IT HAS TO BE QUESTION BY QUESTION. SO IF
18 IT'S SOMETHING THAT COULD POSSIBLY INCRIMINATE YOU, YOU
19 CERTAINLY CAN INVOKE THAT; BUT IT HAS TO BE ON A QUESTION BY
20 QUESTION BASIS. SO SIMPLY WHETHER OR NOT YOU WERE IN
21 SAN FRANCISCO ON THE DAY OF THE INCIDENT, I WOULDN'T THINK WOULD
22 BE SOMETHING --

23 THE WITNESS: JUST -- I JUST DON'T KNOW WHAT THE POLICE
24 REPORT SAYS. I DON'T WANT TO TALK ABOUT SOMETHING I DON'T KNOW
25 WHAT IT SAYS. THEY NEVER SHOWED IT TO ME, LET ME KNOW WHAT'S

1 GOING ON.

2 THE COURT: YOU CAN SHOW HIM THE POLICE REPORT AND ASK
3 HIM WHETHER HIS MEMORY IS CONSISTENT OR INCONSISTENT.

4 BY MS. FALK:

5 Q. I COULD SHOW YOU POLICE REPORT WRITTEN BY THE OFFICER AND
6 ASK IF THAT REFRESHES YOUR RECOLLECTION.

7 A. YES PLEASE.

8 THE COURT: OKAY. GO AHEAD AND SHOW TO IT HIM, PLEASE.

9 MS. FALK: SORRY, YOUR HONOR.

10 THE COURT: GO AHEAD.

11 BY MS. FALK:

12 Q. MR. MC NATT, SHOWING YOU WHAT'S PREVIOUSLY MARKED DEFENSE
13 EXHIBIT -- THIS IS B.

14 A. OKAY.

15 Q. HAS THAT REFRESHED -- DOES REVIEWING EXHIBIT B, DID IT
16 REFRESH YOUR ABOUT MARCH 18, 2007?

17 A. YES.

18 Q. WERE YOU IN SAN FRANCISCO ON THAT DATE?

19 A. YES.

20 Q. WERE YOU A PASSENGER IN ACAR?

21 A. YES.

22 Q. WERE THERE OTHER PASSENGERS?

23 A. YES; THERE WERE OTHER PASSENGERS. NICOLE MAYS, THE
24 DEFENDANT, AND JENNY BENZON WAS AT THE PASSENGER SEAT, AND I WAS
25 IN THE BACK SEAT.

1 Q. WHO WAS THE DRIVER?

2 A. NICOLE.

3 Q. DID YOU DRIVE FROM SONOMA TO SAN FRANCISCO WITH BOTH
4 INDIVIDUALS?

5 A. YES.

6 Q. DO YOU KNOW WHO OWNED THAT CAR?

7 A. NO.

8 Q. DID YOU EVENTUALLY PARK IN THE CRISSY FIELD AREA OF SAN
9 FRANCISCO?

10 A. WE WENT TO THE PARK, YES.

11 Q. DO YOU REMEMBER AROUND WHAT TIME OF DAY?

12 A. I'D SAY IT WAS PROBABLY LIKE 2:00 OR 3 O'CLOCK, NOT SURE.

13 Q. AFTER YOU PARKED THERE, DID MISS MAYS LEAVE THE CAR TO GO
14 TO THE BATHROOM?

15 A. I DON'T KNOW.

16 Q. IS IT THAT YOU DON'T KNOW OR YOU DON'T REMEMBER?

17 A. I DON'T REMEMBER.

18 Q. DID YOU NOTICE A POLICE PRESENCE AT SOME POINT AFTER YOU
19 PARKED IN CRISSY FIELD?

20 A. YES. I REMEMBER WE PARKED, AND WE WERE ONLY THERE ABOUT
21 FIVE SECONDS, AND A RANGER -- OR I GUESS HE WAS A POLICE
22 OFFICER. I THOUGHT HE WAS A PARK RANGER. HE CAME UP AND TOLD
23 US TO GET OUT OF THE CAR JUST LIKE THAT. WE WERE JUST IN THE
24 CAR AND HE CAME UP AND SAID, "YOU GUYS GET OUT OF THE CAR. YOU
25 GUYS DRINKING IN HERE OR SOMETHING?" WE SAID NO.

1 Q. DID YOU SEE A VEHICLE APPROACH MISS MAYS' VEHICLE ON THAT
2 DAY?

3 A. NO.

4 Q. DID YOU SEE A POLICE CAR?

5 A. NO. I JUST REMEMBER SEEING HE WAS IN LIKE AN EXPLORER,
6 SOMETHING LIKE THAT. IT WAS A RANGER. I NEVER SEEN A POLICE
7 CAR LIKE THAT, BUT IT HAD LIGHTS ON IT AND A SIREN AND STUFF.

8 Q. YOU REMEMBER AN SUV?

9 A. YES.

10 Q. DO YOU REMEMBER WHETHER THERE WAS ANOTHER CAR THERE?

11 A. NO, I DON'T. IT WAS -- HE -- I DON'T WANT TO SAY ANYTHING
12 I DON'T -- I'M NOT SURE HOW THIS WORKS. HE PULLED UP AND SAID
13 SHE HAD A WARRANT FOR SOMETHING AND TOOK HER AWAY AND JUST
14 SAID -- I THINK JENNY ASKED -- JENNIE AND NICOLE ASKED IF WE
15 COULD TAKE HER CAR SO IT DOESN'T GET IMPOUNDED -- AND WE DID.

16 Q. GOING BACK TO THE APPROACH OF THE POLICE CAR, WHEN DID YOU
17 FIRST -- YOU WERE PARKED THERE FOR A SHORT PERIOD OF TIME?

18 A. YES.

19 Q. WHEN DID YOU NOTICE THE POLICE CAR COMING UP?

20 A. INSTANTLY. WE WEREN'T EVEN PARKED, MAYBE 10 SECONDS, AND
21 HE JUST PULLED UP AND SAID FOR US TO GET OUT OF THE CAR. HE
22 SAID HE THOUGHT WE WERE DRINKING AND WE SAID, "NO. WE JUST
23 PULLED IN HERE". HE MADE US ALL GET OUT.

24 THERE WAS A BUNCH OF PEOPLE THAT WERE YELLING "WHAT ARE
25 YOU DOING? THEY JUST PULLED IN HERE." LIKE INNOCENT